REMARKS

This application has been carefully reviewed in the light of the comprehensive Office Action and applicant respectfully solicits an allowance of the claims as presently presented.

Applicant confirms the provisional election of Group 1 and withdraws the previous traverse.

The specification has been corrected to render the objections thereto moot.

Claims 14-16 and 25-40 are believed to be in accord with 35 USC 112 second paragraph. Since the previously presented claims may be somewhat vague, it is believed that the present claims do comprise a masonry building and tension device, as the Examiner apparently did consider in framing the prior rejections.

Claims 25-33 are believed to be patentable and not anticipated under 35 USC 102(b) by Crumley et al '843. Claim 25 calls for inter alia

> "A masonry building . . . a plurality of masonry walls supported on and attached to said foundation, adjacent said masonry walls being connected to each other; a continuous masonry bond beam formed at and along upper portions of all said masonry walls, said bond beam having an upper substantially flat surface; each said masonry wall having a plurality of side by side vertical hollow wall sections; . . . said at least one structural member passing completely through at least one said hollow wall section of each said masonry wall to dispose one said end portion in and secured to said foundation and its opposite said end portion extending freely through said continuous masonry bond beam; and adjustment means attached to said opposite end portion and supported by said upper surface of said bond beam for tensioning each said elongated structural member a predetermined amount to force said bond beam and each said masonry walls to be in compression."

Applicant does not disagree with the Examiner's statements regarding the Crumley et al disclosure of a somewhat similar tension device, but the inter-relationship with a masonry building and tying the continuous masonry bond beam to the foundation are the important features of this invention as specifically set forth in the claims now presented.

Claims 26-33 are believed to be patentable for the same reasons as claim 25 and by the specific structural limitations recited therein.

Claims 25, 34-36 and 14-16 are not believed to be anticipated under 35 USC 102(e) by Greenberg. Greenberg relates to a retaining wall and not to a masonry building. The rods 20 of Greenberg are embedded in the concrete footing prior to the laying of the concrete blocks forming the three or four retaining wall courses. That would not be possible in the building of a concrete block building intended for human living quarters or a store or the like to which this invention is directed.

Applicant takes issue with the Examiner's statement that Greenberg has "a continuous masonry bond beam (102 of fig. 9)". The course 102 is formed of individual concrete blocks 104 resting on plate 100 which overlies course 45, also concrete blocks (col. 7, lines 1-33 of '048). Greenberg goes on to show that the blocks 104 may include rebar 108 therethrough and then grout 110 is placed in the hollow or cells 106. This construction does not form "a continuous masonry bond beam", whereas applicant's disclosure illustrates a concrete poured continuous bond beam which extends around and along all of the walls of the building and ties all of the bond beam and walls to the concrete foundation.

Such a claimed construction is not shown by Greenberg '048 or suggested thereby. The extended wall (120 or 122) of Greenberg appears to be a poured concrete continuous wall into which extend rods 126 and/or rods 130. All if FIGS, 8, 9, 10 and 11 appear to be a poured concrete wall and thus nuts 136 seem to hold plates 136 onto the rods 126. However, Greenberg does show in FIGS. 12 and 14 that the extended wall may be constructed with smaller concrete blocks and the nuts 136 may be tensioned prior to cap blocks being applied at the upper course - again no continuous masonry bond beam.

Claims 34-36 and 14-16 are believed patentable over Greenberg for substantially the same reasons as claim 25 and further by the structural recitations therein.

Claims 39 and 40 relating to a two-story building, the first story being concrete and the second story being perhaps of wood construction, as shown in applicant's FIG. 8. These claims are now believed to define over Greenberg by primarily defining a two-story building having at least three first-story masonry walls forming a continuous wall of said building and a continuous masonry bond beam having a vertical passageway therethrough in each said masonry wall, which are not shown or suggested by Greenberg.

Claim 33 is believed to be patentable under 35 USC 103(a) over Crumley et al '843, for substantially the same reasons as claim 25 hereabove and by the structure recited therein. A washer or a plate like washer can be used in applicant's invention. Of course the purpose would not be as described by the Examiner but to make certain that the vertical passage in the continuous

masonry bond beam is covered and the compressive force of the threaded nut and stud is distributed over a larger surface than provided by the nut alone.

Claims 37 and 38 have been added to afford applicant additional appropriate protection and are believed to be patentable for the same reasons as independent claim 25 and by the specific structure therein.

A telephone interview is respectfully requested to resolve any remaining issue and to consider any appropriate changes to the claims to render them more in accord with 35 USC 112, second paragraph and/or patentable over the prior art of record.

Respectfully submitted,

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